

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 KENDRA R. MASON, *et al.*,

Case No.: 2:19-cv-01786-APG-EJY

5 Plaintiffs,

6 v.

ORDER

7 BARRY H. JENKINS,

8 Defendant.
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10 Presently before the Court is Plaintiffs Kendra R. Mason and J. Mason's Application to
11 Proceed *In Forma Pauperis* (ECF No. 1). Attached to Plaintiffs' *In Forma Pauperis* Application is
12 a Complaint for Review of A Social Security Disability or Supplemental Security Income Decision
13 (ECF No. 1-1).

14 **I. IN FORMA PAUPERIS APPLICATION**

15 Plaintiffs submitted the declaration required by 28 U.S.C. § 1915(a) showing an inability to
16 prepay fees and costs or give security for them. Accordingly, Plaintiffs' Application to Proceed *In*
17 *Forma Pauperis* (ECF No. 1) is granted.

18 **II. SCREENING THE COMPLAINT**

19 Upon granting a request to proceed *in forma pauperis*, a court must screen the complaint
20 under 28 U.S.C. § 1915(e)(2). In screening the complaint, a court must identify cognizable claims
21 and dismiss claims that are frivolous, malicious, fail to state a claim on which relief may be granted,
22 or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).
23 A complaint may be dismissed as frivolous if it is premised on a nonexistent legal interest or
24 delusional factual scenario. *Neitzke v. Williams*, 490 U.S. 319, 327–28 (1989). Moreover, “a finding
25 of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the
26 wholly incredible, whether or not there are judicially noticeable facts available to contradict them.”
27 *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). When a court dismisses a complaint, the plaintiff
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1 should be given leave to amend with directions as to curing its deficiencies, unless it is clear from
2 the face of the complaint that the deficiencies could not be cured by amendment. *Cato v. United*
3 *States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

4 In this case, Plaintiffs Kendra R. Mason and J. Mason’s Complaint for Review of A Social
5 Security Disability or Supplemental Security Income Decision (ECF No. 1-1) fails to state a claim
6 upon which relief may be granted. Plaintiffs contend that Administrative Law Judge (“ALJ”) Barry
7 H. Jenkins “abused his discretion by refusing to address a central component of [Plaintiffs’ Social
8 Security] claim on the ground that [ALJ Jenkins] had no jurisdiction to address it.” ECF No. 1-1 at
9 3. Specifically, Plaintiff Kendra R. Mason maintains that “compulsory gainful activity . . . violates
10 the Establishments Clause and her religious freedoms” because she is “compelled to violate a central
11 tenet of [her Baptist faith] . . . by engaging in gainful activity to acquire . . . currency depict[ing]
12 images specifically prohibited by the 2nd Commandment.” *Id.* at 5. Plaintiff Kendra R. Mason
13 claims her anxiety is aggravated by her understanding that: “there exists a substantial similarity
14 between the official government seals on U.S. currency and satanic verses from the Bible”; “the
15 government has deliberately concealed an on-going major natural disaster, to her peril”; and, “there
16 exists a correlation between the dates of significant Biblical end time events and government
17 activities related to said disaster.” *Id.*

18 Here, the Court finds Plaintiffs’ allegations are fantastic, delusional, and irrational. *Neitzke*,
19 490 U.S. at 327–28; *Denton v. Hernandez*, 504 U.S. at 33. Moreover, dismissal is appropriate
20 because ALJ Jenkins is entitled to judicial immunity. *Romano v. Bible*, 169 F.3d 1182, 1186–87
21 (9th Cir. 1999) (state officials presiding over hearings are entitled to absolute immunity). Based on
22 the allegations, the Court further finds that the nature of the claims are not ones that can be cured by
23 amendment. *Cato*, 70 F.3d at 1106. That is, Plaintiffs’ allegations are such that the very heart of
24 what is alleged is based upon nonexistent legal interest and delusional factual scenarios. For this
25 reason, the Court will dismiss Plaintiffs’ Complaint, as currently stated, as it is unclear what, if any,
26 relief she seeks that may be potentially granted by the Court. However, to the extent Plaintiff seeks
27 to amend her Complaint to state a claim against the Social Security Administration for denial of
28 benefits, Plaintiff is given leave to do so as stated below.

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